



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,747	04/20/2006	Il Yong Lee	CU-4788 WWP	8195
26530	7590	01/08/2008	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			UHLIR, CHRISTOPHER J	
		ART UNIT	PAPER NUMBER	
		2837		
		MAIL DATE		DELIVERY MODE
		01/08/2008		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

TH

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/576,747	LEE, IL YONG
	<b>Examiner</b>	<b>Art Unit</b>
	Christopher Uhlir	2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 20 April 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: The word 'mouse' in line 2 of this claim should be replaced with 'mouth'. Appropriate correction is required.
2. Claims 1-4 are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto (JP 10-222157).

**Regarding claim 1,** Matsumoto discloses an ocarina shown in Drawing 1 to have a hollow body, multiple toneholes, and a mouthpiece projected toward one side of

the body connected to an airway 21 into which air is blown. Drawing 3 shows a fipple window 4 on an opposite side of said airway 21 through which air is outputted,

A first, second, and third tonehole is shown in Drawing 1 as 42, 44, and 47 respectively to be formed in a row of the body, where three fingers of a user's left hand excluding the thumb can be used to cover. This drawing also shows a fourth and fifth tonehole 32 and 35 respectively, which can be held by two fingers of a user's right hand excluding the thumb. Further shown in this drawing are sixth and seventh toneholes 39 and 31 respectively to be adjacent to said fourth and fifth toneholes 32, 35, and can be stopped at the same time when said fourth and fifth toneholes 32, 35 are stopped by extension of the user's finger in a longitudinal direction. An eighth and ninth tonehole 12 and 22 respectively are shown in Drawing 2 to be formed at the bottom of the body and are held by the thumbs of the left and right hands of the user.

**In reference to claim 2,** Matsumoto discloses an ocarina as stated above having a tenth tonehole 48 situated to be held by a left hand finger of a user excluding the thumb as shown in Drawing 1. This drawing further shows an eleventh tonehole 43 to be formed adjacent to said first tonehole 42 in a longitudinal direction so that said eleventh tonehole 43 can be stopped at the same time when said first tonehole 42 is stopped.

**In reference to claim 3,** Matsumoto discloses an ocarina as stated above, where Drawing 1 shows a twelfth tonehole 45 formed adjacent to said second tonehole 44 so that said twelfth tonehole 45 can be stopped at the same time when said second tonehole 44 is stopped through longitudinal extension of a user's finger. This drawing

further shows a thirteenth tonehole 46 to be formed between said second tonehole 44 and said third tonehole 47.

**In reference to claim 4,** Matsumoto discloses an ocarina as stated above having a tenth tonehole 48 situated to be held by a left hand finger of a user excluding the thumb as shown in Drawing 1. This drawing further shows a fourteenth tonehole 33 formed in the body to be held by a finger of a user's right hand excluding the thumb.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A list of pertinent prior art is attached as form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Uhlir whose telephone number is 571-270-3091. The examiner can normally be reached on Monday-Thursday 8:00am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Application/Control Number:  
10/576,747  
Art Unit: 2837

Page 5

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*CHJ*  
Christopher J Uhlir  
January 4, 2008

*L.D.*  
LINCOLN DONOVAN  
SUPERVISORY PATENT EXAMINER